IN RE: PETITION FOR RESIDENTIAL \* BEFORE THE ZONING VARIANCE \* ZONING COMMISSIONER E/S Bauernschmidt Drive, 20 ft. S of c/l of Riverside Drive \* OF BALTIMORE COUNTY 2207 Bauernschmidt Drive 15th Election District \* Case No. 91-104-A 5th Councilmanic District Margaret G. Spacek Petitioner \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 16 ft. 9" in height shed in lieu of the required 15 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as No. 2207 Bauernschmidt Drive, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to permit a 16 ft. 9" height shed in lieu of the required 15

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached herewith) which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the informa-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 16 ft. 9" in height shed in lieu of the required 15 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the re-

tion available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be

lief granted herein:

1. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment.

2. The Petitioner shall not allow or cause the accessory structure to be utilized in any manner for the storage of commercial equipment,

## PETITION FOR RESIDENTIAL VARIANCE 91-104-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400, 5

to permit a 16 feet 9 inch in height shed in lieu of the required 15 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: A shed existed at the same location for years. It had deteriorated so I took down (indicate hardship or practical difficulty) the old one and put up the new one. The old shed was the same height as the new shed. I did not know that a variance was required to rebuild the shed to the same height. The new shed is more attractive than the old shed. It would be a financial hardship to shorten the shed to a height of fifteen feet.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

2207 Bauernschmidt Drive 682-5364 Alfred L. Brennan, Jr. Baltimore, Maryland 21221 City/State/Zip Code

> Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Alfred L. Brennan, Jr., Esquire Name 825 Eastern Boulevard 21221 687-3434

DRDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this patition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_

Address Baltimore, Maryland 21221

687-3434

**AFFIDAVIT** 

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Raltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 2207 Bauernschmidt Drive, Baltimore, Maryland 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) A shed existed at the same location for years. It had deteriorated so I took down the old one and put up the new one. The old shed was the same height as the new shed. I did not know that a variance was required to rebuild the shed to the same height. The new shed is more attractive than the

old shed. It would be a financial hardship to shorten the shed to a height That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

Margaret Source AFFIANT (Handwritten Signature) Margaret Spacek AFFIANT (Printed Name)

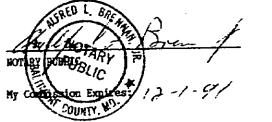
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this /// day of Software Lett 1900, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Margaret Spacek

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Motarial Seal.

9-11-90



FRANK S. LEE Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

June 13, 1990

No. 2207 Bauernschmidt Drive 15th District Baltimore County, Maryland

Beginning for the same at the corner formed by the intersection of the east side of Bauernschmidt Drive and the south side of Riverside Drive and being known as lot 74 Block "E", Bauernschmidt Manor, said plat being recorded among the land records of Baltimore County in Plat Book 12 folio 81.

Containing 0.26 acres of land more or less.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

including, but not limited to supplies, inventory

3. The Petitioner shall not allow or cause any

4. The Petitioner shall not allow or cause the

Petitioners shall permit a representative of the

Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with

Zoning Commissioner

for Baltimore County

accessory structure to be used as an office in

5. Upon request and reasonable notice, the

commercial activity to be performed within the

and/or merchandise.

this Order.

subject accessory structure.

support of any commercial activity.

Petitioner: Morgor-t G. Spoc+k

Location of property: E/S Baser wschwidt Dr. 10 s/ Riving do Onle 7207 BayerAschmoidt In Location of Signer Fores, BRUTMERhow It , approx, 10' For 700 d Way On property of Peleting-

91-104-17

Number of Signs:

Baltimore County Zoning Commisione County Office Building 111 West Chesapeake Avenu

which we will be the work of the

H9100105

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X

\$60.00

LAST NAME OF OWNER: SPACEK

04A04#0030MICHRC BA C003:41PH09-12-90 s payable to: Baltimore CountEXT BUSINESS DAY

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

September 21, 1990

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 91-104-A LOCATION: E/S Bauernschmidt Drive, 20' S of c/l of Riverside Drive

2207 Bauernschmidt Drive

Margaret G. Spacek

2207 Bauernschmidt Drive

Baltimore, Maryland 21221

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 3, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is October 18, 1990. Should such request be filed, you will receive notification that the matter will not be bandled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > (301) 887-3391

cc: Alfred L. Brennan, Jr., Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

October 9, 1990



RE: Item No. 105, Case No. 91-104-A Petitioner: Margaret G. Spacek Petition for Residential Variance

Dear Mr. Brennan:

825 Eastern Blvd

Baltimore, MD 21221

Alfred L. Brennan, Esquire

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Ms. Margaret G. Spacek 2207 Bauernschmidt Drive Baltimore, MD 21221

Baltimore County

(301) 887-3353

J. Robert Haines

Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of September, 1990.

ZONING COMMISSIONER

Dennis F. Rasmussen

Received By:

Petitioner: Margaret G. Spacek Petitioner's Attorney: Alfred L. Brennan, Jr. BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: October 2, 1990 J. Robert Haines

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Margaret G. Spacek, Item No. 105

Zoning Commissioner

The Petitioner requests a Variance to permit a 16.5 ft. in height shed in lieu of the required 15 ft.

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM105/ZAC1

RECEIVED

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

OCTOBER 9, 1990 Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: MARGARET G. SPACEK #2207 BAUERNSCHMIDT DRIVE

Location: Zoning Agenda: OCTOBER 2, 1990 Item No.: \*105

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planding Group
Special Inspection Division

JK/KEK

BALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE SEPTEMBER 28, 1990

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

PERMITS & LICENSES C2B ZONING ITEM #: 105 SUBJECT: PROPERTY OWNER: Margaret G. Spacek

LOCATION: E/S Bauernschmidt Drive, 20' S centerline of Riverside Drive (#2207 Bauernschmidt Drive) ELECTION DISTRICT: 12th COUNCILMANIC DISTRICT: 7th

( ) CURB CUTS

( ) RAMPS (degree slope)

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

FOLLOWING: ( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) NUMBER PARKING SPACES ( ) BUILDING ACCESS

( ) SIGNAGE (>) PLAN DEER, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. SEE ATTACHED DIAGRAMS.

for use to make wells a comptable. A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for October 2, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 33 (revised), 73, 94, 99, 101, 102, 103, 104,

105, 106, 108, 110, 111 and 112. Item 107 is subject to the previous County Review

Group comments. For Item 109, a County Review Group Meeting is

required. Church Lane is to be improved as a 40-foot paving section on a 60-foot right-of-way.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RECEIVED

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: October 19, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 105 Spacek Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2207 Baurenschmidt Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Ms. Margaret Spacek

APPLICANT PROPOSAL

The applicant has requested a variance from section 440.3 of the Baltimore County Zoning Regulations to permit a 16 foot 6 inch in height shed in lieu of the required 15 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

 "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines October 19, 1990

## Page 2 REGULATIONS AND FINDINGS

with them.

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec.

Finding: The sned is located approximately 200 feet from tidal waters and is located no closer than the existing house. No disturbance of the tidal buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98> Finding: The shed is located at the end of a stone driveway and in the same location that previous sheds have existed. No wetlands

shall be impacted by this replacement. 3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of impervious surfaces is approximately 8% of the lot. The sum shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" < COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 2 items - ball and burlap or 2 gallon container size

O items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated

Memo to Mr. J. Robert Haines October 19, 1990

5. Regulation: "The stormwater management system small be designed so that: Page 3

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: The applicant proposes to install infiltration trenches along the side of the shed. This will ensure that infiltration of water shall be maximized throughout the site.

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact
Mr. David C. Flowers at 887-2904.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

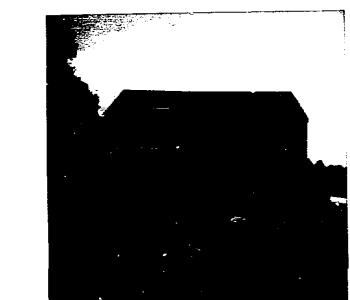
RWS:NSS:ju

cc: The Honorable Ronald B. Hickernell

CASE NUMBER: 91-104-A

ITEM #105





2207 Bauernschmidt Dr. Baltimore, Maryland 21221 DIVERSIDE (401) DIZIVE LOCATION MAP Scale 1"=1000" 2-71

Donald Spacek

FRAME BUILDING 1G-75 HIGH

PLAT TO ACCOMPANY PETITION FOR A VARIANCE, TO ALLOW A HEIGHT OF 16.75 FEET IN LIEU OF THE REQUIRED 15 feet

EX. ZONING -DR 5.5 AREA OF LOT = 11,478.31 59. FT. + 0.26 Ac.+ PUBLIC WATER-SEWER SERVICE LOT

LOT 74 BLOCK E"

LOOSE STONE

BAUERNSCHMIDT MANOR PLAT BOOK 12-81 JEAGE 1 = 30' DATE 6-13-90

1277 NEIGHBORS AVI

Brennan and Brennan ATTORNEYS AT LAW PIA 825 EASTERN BOULEVARD ESSEX, BALTIMORE, MD 21221

TELEFAX (501): 391-4963

September 20, 1990

D.E.P.R.M. 401 Bosley Avenue Room 416 Towson, Maryland 21204

> Re: Administrative Variance Application Item No. 105

Gentlemen:

JAMES C. BRENNAN

ALFRED L. BRENNAN, IR.

Enclosed please find a copy of a Petition for Residential Variance that has been filed by Margaret G. Spacek for her property located at 2207 Bauernschmidt Drive, Baltimore, Maryland 21221. This property is located within the critical bay area. I am enclosing a copy of Frank S. Lee's plat of the property wherein I have drawn in the trees and shrubs that currently exist on the property. Mrs. Spacek intends to install rain spouts with infiltration pits on the

Please forward your comments to the Zoning Office as soon as possible.

If there is any further information that you need, please do not hesitate to contact me.

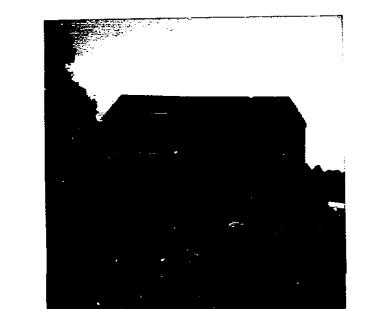
Very truly yours,

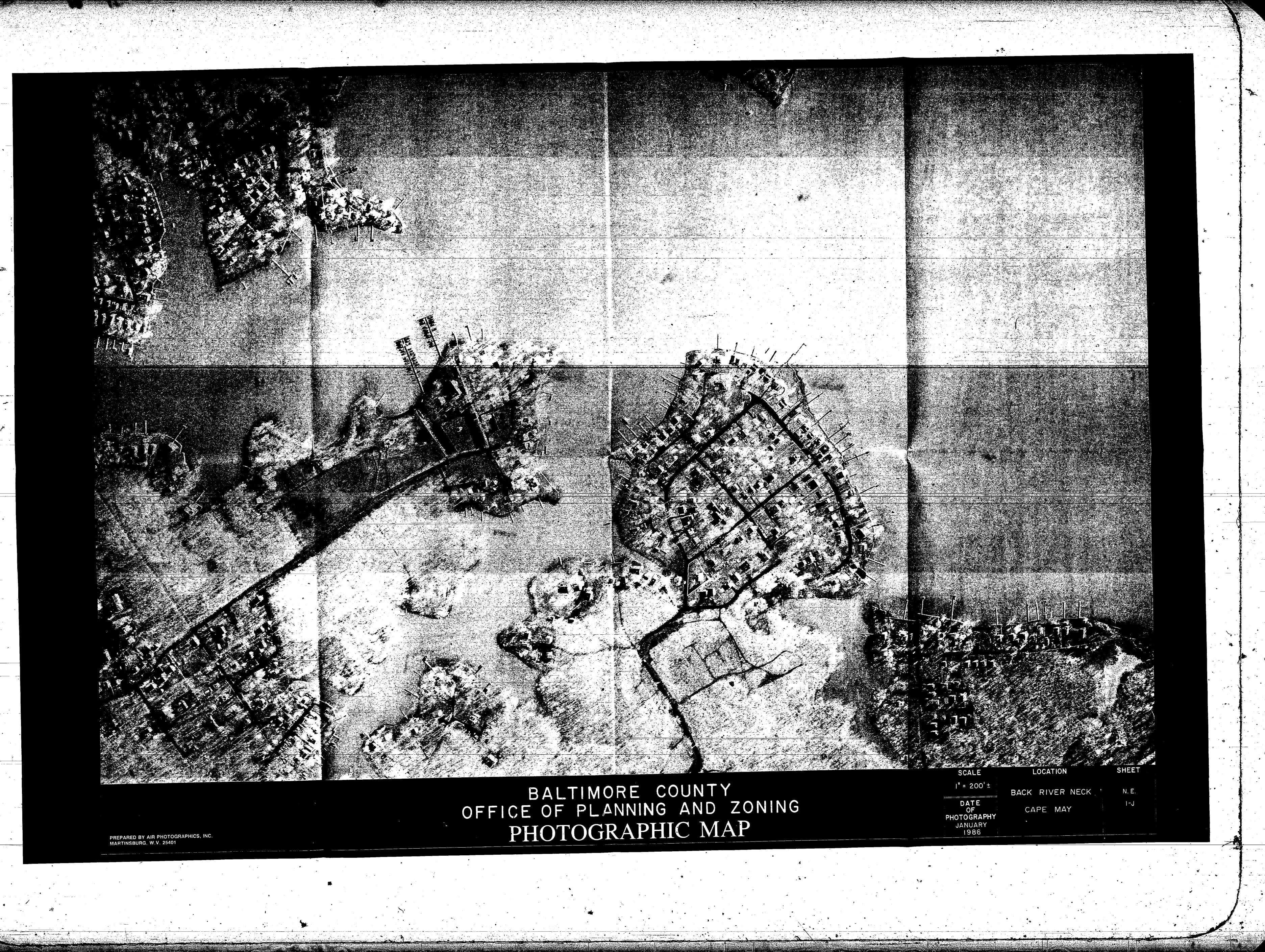
Mille . I for Alfred L. Brennan, Jr.

ALB, JR/bg

Enclosure

cc: Baltimore County Zoning Office





BALTIMORE COUNTY, MARYLAND Memo to Mr. J. Robert Haines Memo to Mr. J. Robert Haines October 19, 1990 INTER-OFFICE CORRESPONDENCE 1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.SUBJECT: Petition for Zoning Variance - Item 105 Spacek Property Finding: The shed is located approximately 200 feet from tidal waters and is located no closer than the existing house. No OCT 55 1936 Chesapeake Bay Critical Area Findings disturbance of the tidal buffer shall occur. ZONNIG OFFICE 2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98> SITE LOCATION predevelopment hydrologic regime. The subject property is located at 2207 Baurenschmidt Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA). Finding: The shed is located at the end of a stone driveway and in the same location that previous sheds have existed. No wetlands shall be impacted by this replacement. Section 22-217(h)>. APPLICANT'S NAME Ms. Margaret Spacek 3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>. APPLICANT PROPOSAL Finding: The sum of impervious surfaces is approximately 8% of the lot. The sum shall not exceed 15% of the lot. The applicant has requested a variance from section 440.3 of the Baltimore County Zoning Regulations to permit a 16 foot 6 inch in height shed in lieu of the required 15 feet. 4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or CONCLUSION GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM developed woodland of at least 15%" < COMAR 14.15.02.04 C.(5)>. In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that <u>Finding:</u> The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to

provide a 15% forested cover.

received

Tree list: 0 items - minimum 4 foot size Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water

2 gallon container size

and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated

Shrub and small tree list: 2 items - ball and burlap or

"The stormwater management system shall be designed

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code,

<u>Findings:</u> The applicant proposes to install infiltration trenches along the side of the shed. This will ensure that infiltration of water shall be maximized throughout the site.

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

> Robert W Sheesler Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:NSS:ju Attachment cc: The Honorable Ronald B. Hickernell The Honorable Norman W. Lauenstein The Honorable Dale T. Volz Mrs. Janice B. Outen Ms. Margaret Spacek

<COMAR 14.15.10.01.0>

proposed projects are consistent with the following goals of the

or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

"Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances

3. Establish land use policies for development in the Chesapeake

Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

Critical Area Law: